

avocations of ordinary life. One instance will suffice to give an idea of this latest progress towards the subjection of matter to mind. On a variety of drawings being lately exhibited for a new town hall in one of the German capitals, a certain design of Herren Schmidt and Stauch attracted considerable attention among the art-loving public of the Fatherland, but as it happened to become a subject of jobbery, and was not to be accepted in consequence, would have been hardly accessible to larger circles of connoisseurs, without the invention of the new art. Availing themselves of Herr Burchard's process, the architects have now issued an edition of their designs for £3 10s., which they would not otherwise have been able to offer under ten times the price. It may be mentioned as another striking advantage, that they were enabled to get the copies struck off in a few days: while by the old process of lithography, and the necessary reduction of the original drawings to a smaller standard, a year would have been consumed, if not more.

Mr. Osborne has addressed a letter to the same journal, in which, after referring to the fact that his process has been in successful operation by the Victoria Government for upwards of three years, adds the following significant facts:—"A description of my process was communicated, with my permission, by Dr. Hochstetter, of the Novara expedition, who left Melbourne in November, 1859, to the Imperial Printing-office in Vienna; and in the early part of the year, 1861, nearly two years ago, I forwarded to the central staff of the Prussian army a reprint, in pamphlet form, of an elaborate paper read by me before the Royal Society of Victoria on 30th November, 1859, together with some specimens of photolithography, which I have never seen excelled. This paper and these specimens are still in the possession of the military authorities connected with the topographical bureau of Prussia."

PHOTOGRAPHIC PIRACY OF ENGRAVINGS.

SIDNEY POWELL, a dealer in photographic prints, of Chandos-street, Covent-garden, appeared at Bow-street, on Saturday week, to answer a summons at the instance of Mr. Ernest Gambart, charging him, first, with having copied, or caused to be copied, an engraving of the "Horse Fair," without his consent; and, secondly, with exposing the same for sale.

The defendant pleaded "Not Guilty."

Mr. Prentice, instructed by Mr. Bowen May, appeared for the prosecution; Mr. Marshall, instructed by Mr. Redpath, for the defendant.

In opening the case, Mr. Prentice said,—In this case I appear for Mr. Ernest Gambart, who is well known as a printseller and publisher in London and Paris. He has invested many thousands of pounds in the purchase of some of the most celebrated pictures of the day. It is of very considerable importance to him, to know, whether such persons as Mr. Powell are to be allowed to make photographs from the engravings which Mr. Gambart had published at so great an expense. The first Act of Parliament to which I would call attention, is the 8th of George II., cap. 13, known as the Act for the Encouragement of the Arts of Designing, Engraving, Etching, &c., giving to the designer and engraver a copyright, for 14 years from the date of publication, which must be engraved on each copy, and imposing penalties for the infringement of such copyright. Now, this Act gave protection to the engraver who engraved and published his own design, but not to the publisher or proprietor for whom an engraving was made. The 7th of George III., cap. 38, extended the protection to "any person who shall cause to be engraved," &c., with all the same penalties for infringement, as in the former Act. By the Act of last Session, the 25th and 26th of Victoria, chap. 38, it was provided, that all penalties incurred under the two former Acts, could be recovered by proceedings before justices. Hitherto, they could only be recovered by action at law. After explaining in further detail the provisions of the several Acts, Mr. Prentice concluded by observing that, although he was instructed for Mr. Gambart by Mr. Bowen May, the solicitor to the Association of Publishers, Mr. Gambart wished it to be understood, that these proceedings were taken by him, and not by the Association. He would prosecute every case of infringement of his copyright, on his own account, and at his own charges, without any aid from any other members of the trade.

Mr. Ernest Gambart deposed,—I am a publisher of engrav-

ings, in Pall-mall. At present I carry on business in London only—formerly, both in London and Paris. I purchased the original painting of the "Horse Fair," from Mademoiselle Rosa Bonheur, in 1854 or 1855; I do not know the exact date. I engaged Mr. Landseer to engrave it, which he did, and the engraving was published on the 20th of April, 1857. I now produce a copy of that picture. The defendant keeps a shop in Chandos-street, for the sale of what I should call piracies. His shop is full of them. From the moment the photographs come out my sale is destroyed. I have no objection to state what I gave for the painting and copyright. I got it at a very moderate price. I gave £1600 for the picture and the copyright, and I paid 800 guineas for the engraving. I am the owner of the picture of the "Derby Day," by Mr. Frith, of which I am about to publish an engraving, and it is chiefly with a view to prevent the pirating of that work, that I have taken this proceeding. I have also purchased the picture which Mr. Frith is now engaged in painting.

Cross-examined by Mr. Marshall.—There is a duplicate of the "Horse Fair," also painted by Rosa Bonheur. I had both. I have parted with one. I have sold both, but one remains in my custody. I purchased the picture from Mademoiselle Bonheur, without reservation, which always includes the copyright. In selling them, I reserved the copyright. An artist's proof, or proof before letters, is one before the title is engraved on the plate. It is usual to issue a certain number, with as little writing as possible. A certain number of these are given to the engraver, as part of his remuneration. It was so in this case. Many publishers, not knowing the risk they run, publish artist's proofs, without any writing whatever. They do not understand their business; but I, who know my business well, have from the very first, taken care that every copy issued has the publication line, except in one or two cases when I did not care. In the present case, I put the publication line on the plate, long before the engraving was finished. The duplicate was presented to me by Mademoiselle Bonheur. It was thrown in. I parted with the first about two years afterwards—in 1859—to Mr. Wright, a private gentleman in New York. It has not been engraved. It is a common thing to photograph engravings, of any popularity, and to sell the photographs, but not openly.

Mr. Marshall.—They are sold in every shop.

Witness.—Pockets are picked in every street. I have been suing the photographers for years. I have not always succeeded in getting my costs, but I always got a verdict when we went to trial. I did not always go to trial. They usually apologize, and say they won't do so again. I mean to prosecute in every case where my engravings are photographed. I must do so, or give up my business. It is of no use for me to go on publishing engravings, if the moment I publish I am to be knocked out of the field by piracies.

Herbert Everett, formerly clerk to Mr. Gambart, produced the photograph referred to by Mr. Gambart in his evidence. Witness bought it on the 31st of July, at defendant's shop, for 5s. 6d. The price of the engraving was £10 10s.

Mr. Marshall had to submit to the magistrates, several points of a purely legal nature, and he contended that these Acts of Parliament, being penal statutes, and conferring a monopoly, must be interpreted very strictly. The Act of Victoria only bore on this case to the extent, that it enabled the prosecutor to recover penalties by proceedings before justices. We must go back, then, for the nature of the offence, to the Act of George III. That Act only prohibited any person from engraving copies of the copyright print. It did not prohibit any other mode of copying. The first Act, that of George II., prohibited any person from engraving or copying in any other kind of manner, and when these words were omitted in the second Act, it was clear they were not intended to apply. He contended, that the two Acts could not be read together as if incorporated. The first Act did not apply, as it only enabled the engraver to prosecute. But even under the first Act, he contended, that "any other manner" only meant such other manner as was contemplated by the Act, and of a similar nature to the processes specified,—viz., engraving, mezzotint, and chiaro-scuro. He also contended, that it was necessary to show that defendant knew the picture to be copyright.

Mr. Prentice said, if Mr. Powell was not the person who made the photograph, let him give up the really guilty person, and the proceedings would drop.

Mr. Corrie said, that if the prosecution failed on the last point, it would be easy in future to give notice to all photo-

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